

State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

HOOKSETT PERMANENT FIREFIGHTERS
ASSOCIATION, LOCAL 3264, IAFF

Petitioner

and

TOWN OF HOOKSETT, NEW HAMPSHIRE
FIRE DEPARTMENT

Respondent

CASE NO. F-0136

DECISION NO. 90-14

OBJECTION TO SCHEDULED ELECTION

On September 18, 1989, the Hooksett Permanent Firefighters Association filed a petition for certification of a unit which included all permanent firefighters, lieutenants, captains and fire inspector.

The Town, through its Counsel, objected to the inclusion of captains, lieutenants and the fire inspector (correct title is Fire Prevention Officer) on the basis of supervisory and/or confidential.

For several reasons, availability of the parties involved, lack of quorum of the Board, etc. the unit determination hearings was not scheduled until January 11, 1990. By telephone, January 8, 1990, Counsel for the Town advised that an agreement on the unit had been reached by and between the parties and the January 11, 1990 date could be used for a pre-election conference.

Pre-election conference was held at 1:30 p.m., January 11, 1990 in the Board's office in Concord with Executive Director Evelyn C. LeBrun presiding. Unit was clarified and signed by both parties and reads as follows: "All regular full-time Lieutenants and regular full-time Firefighters of the Town of Hooksett". Excluded from the unit are: Fire Chief, Deputy, District Chiefs, Captains, Fire Prevention Officer, and all other supervisors, professional and confidential employees, persons in a probationary or temporary status, employed seasonally, irregularly or on call.

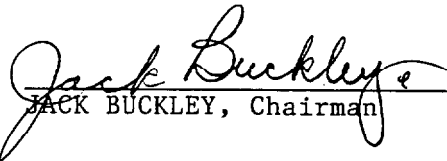
Election date is scheduled for February 1, 1990 to be held at Station II, 19 Coaker Avenue, Hooksett between the hours of 10:00 a.m and 12:00 noon. Counsel for the Town objected to the date of election and stated he would be filing formal objections with the Board.

Formal objections were filed by Counsel on January 12th on the basis that out of the twenty (20) bargaining unit members, only twelve (12) would be eligible to vote on February 1st, should the election be delayed until sometime after March 11, 1990, (5 weeks later) the eight (8) probationary employees would then be eligible to vote and express their desires concerning unionization. Setting the date in February, he stated, is an abuse of discretion, unlawful, unreasonable, unjust and erroneous as a matter of law.

The Board at its meeting, January 16, 1990 reviewed the objection filed by Counsel for the Town and were unanimous in their opinion that the petition met the requirements under RSA 273-A:10, I (a) and II in that at least thirty percent of the employees in the bargaining unit seeking recognition alleged that they wished to be represented in collective bargaining by Local 3264, IAFF as their exclusive representative, and met the requirements under the Board's Rules and Regulations. Members emphasized that it has been and will continue to be the Board's practice to conduct elections as expeditiously as possible and that RSA 273-A:8, I, was clear in its statement that "...In no case shall the Board certify a bargaining unit of less than 10 employees" (not applicable in this case as the unit is comprised of 20 employees) "...In no case shall such probationary employees vote in any election conducted under the provisions of this chapter to certify an employee organization as the exclusive representative of a bargaining unit."

DECISION AND ORDER

The election to determine if the employees of the Town of Hooksett Fire Department wish to be represented for the purposes of collective bargaining and settlement of disputes by the Hooksett Permanent Firefighters Association, Local 3264, IAFF will be held as scheduled on February 1, 1990 between the hours of 10:00 a.m. and 12:00 noon.


JACK BUCKLEY, Chairman

Signed this 24th day of January, 1990.

By unanimous vote. Alternate Chairman Jack Buckley presiding. Members James C. Anderson and Seymour Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun.